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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 GABRIEL YATES,
10 Plaintiff,
11 vs.
12 NAPHCARE, et al.,
13 Defendants.

Case No. 2:12-cv-01865-JCM-VCF
ORDER

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15 Plaintiff has submitted a second amended complaint (#28). The court has reviewed it
16 pursuant to 28 U.S.C. § 1915A. Plaintiff has corrected the defects that the court has found in the
17 first amended complaint. Defendants will need to respond.

18 Also before the court is plaintiff's application to proceed in forma pauperis (#29). The
19 application is moot because defendants have removed the action to this court and have paid the
20 filing fee.

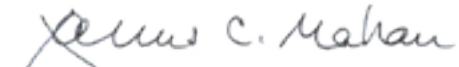
21 Plaintiff has submitted an emergency ex parte motion for a temporary restraining order
22 (#30). Defendants have already appeared in this action. Plaintiff has not explained why he filed the
23 motion ex parte, thus ensuring that defendants will not receive a notice of electronic filing,
24 particularly when the defendants already have appeared in this action. The court will deny the
25 motion without prejudice to plaintiff filing the notice correctly.

26 IT IS THEREFORE ORDERED that plaintiff's emergency ex parte motion for a temporary
27 restraining order (#30) is **DENIED** without prejudice.
28

1 IT IS FURTHER ORDERED that plaintiff's application to proceed in forma pauperis (#29)
2 is **DENIED** as moot.

3 IT IS FURTHER ORDERED that defendants shall have twenty-one (21) days from the date
4 on which this order is entered to file and serve an answer or other response to the complaint.

5 DATED: February 7, 2014.

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8 JAMES C. MAHAN
United States District Judge
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